

## Knauss, Elizabeth

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**From:** Vaughn, Richard  
**Sent:** Thursday, November 17, 2016 4:27 PM  
**To:** Butler, Bradley  
**Cc:** Boatwright, Kelley M.; Knauss, Elizabeth  
**Subject:** Diversified Environmental update  
**Attachments:** 3 revised penalty worksheet DES.doc; 4 revised penalty worksheet DMT.doc; 2 Attachment DES CO.pdf

**Importance:** High

Brad,

I wanted to give you an update on our discussion with Diversified Environmental. Ron Noble the attorney for Diversified is questioning the citing of violation #1 for both Diversified Environmental Services and Diversified Marine Tech. which has caused an impasse.

The violation cited is 62-710.800(2) *An owner or operator of a used oil processing facility shall operate, modify, or close such a facility only pursuant to a permit issued by the Department in accordance with this chapter.*

We cited this rule because the facilities were storing oil longer than 35 days. They actually were storing oil for approximately 6 months due to the decline in oil prices.

If you look at the definitions in 62-710.201(3) *“Processor” means any person processing used oil. The term also includes any transfer facility that stores used oil for longer than 35 days at a time, any used oil fuel marketer who receives used oil from transporters and who has at least 25,000 gallons of used oil storage capacity, and any person who blends used oil with on-specification used oil fuel or with virgin petroleum products for the purpose of producing on-specification used oil fuel.* And, 62-710.201(11) *“Used oil transfer facility” means any transportation related facility including loading docks, parking areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation over public highways. Transfer facilities that store used oil for more than 35 days are “processors” as defined in subsection 62-710.201(3), F.A.C., and are subject to regulation under subpart F of 40 CFR Part 279 [as adopted in subsection 62-710.210(2), F.A.C.]*

By definition this would make the facility subject to 62-710.800 requiring a permit.

I have attached the inspection report and the penalty worksheets for your reference. If you could make this a priority that would be great. If you have any questions please feel free to reach out to me, Kelley, or Beth.

Ron Noble will be sending his interpretation and opinion on how this violation should have been cited. I will forward that on to you once I have received it.

Thank you for your assistance.

Rick Vaughn  
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Florida Department of Environmental Protection

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